

No. 11(112)-80-8Lab/13413.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Sarswati Ceramics and Refractories Private Limited, Plot No. 105, Sector 25, Faridabad.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 341 of 1980

between

SHRI KALAP NATH, WORKMAN AND THE MANAGEMENT OF M/S. SARSWATI CERAMICS AND REFRACTORIES PRIVATE LIMITED, PLOT NO. 105, SECTOR-25, FARIDABAD

Present: Shri Sunchari Lal, for the workman.

None, for the respondent management.
AWARD

This reference No. 341 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/ED/52-80/39834, dated 4th August, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Kalap Nath, workman and the management of M/s. Sarswati Ceramics and Refractories, Private Ltd., Plot No. 105, Sector 25, Faridabad. The term of the reference was:—

Whether the termination of service of Shri Kalap Nath was justified and in order? If not, to what relief is he entitled?

After receiving this reference notices were issued to both the parties who appeared before me, but on 3rd November, 1980 none was present from the side of the management. On the previous date of hearing Shri D.D. Aggarwal was appeared on behalf of the respondent management. I awaited up to 1.30 p.m. for the presence of the respondent management or its representative, but none came up and I proceeded *ex parte* against the management and the case was fixed for *ex parte* evidence of the workman for 10th November, 1980.

On 10th November, 1980 *ex parte* evidence of the workman was recorded. It was stated that he was working with the respondent company from 20th November, 1976 as a Table Man @ Rs. 255 per mensem. The workman stated that he was permanent employee of the respondent management. He along with other employees served a general demand notice on the management. On which two settlements were arrived at between the parties, which are Ex. W-1 and W-2. The workman further stated that he was an active member of the union so he became eye sore of the management. On the solitary ground the management respondent terminated the services of the workman along with others on 1st February, 1980. Then the workman raised a demand before the Conciliation Officer on which a settlement was arrived at between the parties on 5th March, 1980. The copy of which is Ex. W-3. After that the management stopped him for resuming his duty. On which he made a complaint to the Conciliation Officer, copy of which is Ex. W-4. On 13th March, 1980 the management lodged a complaint of theft in the Police Station and the police gave him and others bearings and under the pressure of police the workman signed some papers the management wanted to get signed. Against this they made a complaint to the concerned authorities, copy of which is Ex. W-5 and postal receipt of Ex. W-6. The management terminated the service of the workman illegally and arbitrarily. He further stated that he was unemployed till now and prayed that he be reinstated with full back wages and continuity of service.

Keeping in view the circumstances of the case, I see no reason why the un rebutted *ex parte* statement of the workman given on oath should not be believed especially when the management chose not to appear and defend this reference before this Court. So I believing the statement of the workman, hold that the termination of the services of the workman was not justified, improper and not in order. He is entitled to be reinstated with full back wages and continuity of service.

This be read in answer to this reference. No order as to costs.
Dated the 30th November, 1980.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 2245 dated the 2nd December, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.